

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

WHITEHORSE 401 LLC,

Case No. 24-42466 (ESS)

Debtor.

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**MOTION OF THE UNITED STATES TRUSTEE FOR ORDER SHORTENING
NOTICE PERIOD, ESTABLISHING OBJECTION DEADLINE, AND
SCHEDULING HEARING ON THE UNITED STATES TRUSTEE'S
MOTION TO DISMISS CHAPTER 11 CASE UNDER 11 U.S.C. §1112(b)**

TO: THE HONORABLE ELIZABETH S. STONG,
UNITED STATES BANKRUPTCY JUDGE:

William K. Harrington, the United States Trustee for Region 2, moves under 11 U.S.C. § 105(a), Federal Rule of Bankruptcy Procedure Rule 9006(c), and Rule 9077-1(c) of the Local Bankruptcy Rules for the Eastern District of New York (“Local Rules”), for the entry of an order shortening notice, setting an objection deadline, and scheduling a hearing on the United States Trustee's Motion to Dismiss this Chapter 11 Case pursuant to 11 U.S.C. § 1112(b) (the “Motion to Dismiss”). In support, the United States Trustee states as follows:

INTRODUCTION

The United States Trustee seeks a hearing on the Motion to Dismiss on shortened notice because the Debtor filed the instant chapter 11 bankruptcy case as an unauthorized filing. The case was filed without proper authorization from the owner of the corporate entity. Allowing the case to proceed without proper authorization is not in the best interests of creditors. The United States Trustee, therefore, requests that the Court shorten notice of the Motion to Dismiss, set an objection deadline for parties to file objections, and schedule a hearing on less than the 21 days' notice required under Bankruptcy Rule 2002.

APPLICABLE AUTHORITY

Federal Rules of Bankruptcy Procedure 2002, 9006 and 9007 permit the shortening of notice and scheduling of an objection deadline and hearing as set forth herein. Bankruptcy Rule 2002(a) provides generally for 21 days' notice of motions such as the Motion to Dismiss. Fed. R. Bankr. P. 2002(a). The applicable time period, however, may be modified further if the court "for cause shown" shortens the time or directs another method of giving notice. Fed. R. Bankr. P. 2002(a)(2) (general rule); Fed. R. Bankr. P. 9006(c) (quotation). In addition, Bankruptcy Code section 105(a) provides that the Court, "may issue an order . . . necessary or appropriate to carry out the provisions of [the Bankruptcy Code.] 11 U.S.C. § 105(a). Shortening time is also expressly contemplated in and permitted by Local Rule 9077-1(c).

CAUSE EXISTS FOR SHORTENED NOTICE ON THE MOTION TO DISMISS

As more fully set forth in the Motion to Dismiss filed on September 26, 2024, the United States Trustee is seeking immediate dismissal of the Debtor's case due to the unauthorized filing. The United States Trustee believes that the immediate dismissal of the case is in the best interest of creditors, and any delay is not in the best interests of creditors.

SERVICE OF MOTION TO DISMISS

The United States Trustee requests that the Court permit the United States Trustee to serve the Order Shortening Time and the Motion to Dismiss, by overnight mail, upon the Debtor, counsel for the Debtor, all creditors and any party that has filed a notice of appearance in the case. The United States Trustee requests that service by the United States Trustee on the parties set forth above, be deemed good and sufficient notice of the Motion to Dismiss.

CONCLUSION

WHEREFORE, the United States Trustee respectfully requests that the Court enter an

order (i) shortening the notice required for the Motion to Dismiss, (ii) establishing an objection deadline, (iii) scheduling the hearing on the Motion to Dismiss on less than 21 days' notice, and (iv) granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
September 26, 2024

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE, REGION 2

By: /s/ Reema Lateef
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